

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

UNITED STATES OF AMERICA)	Criminal No: 3:06-1129
)	
V.)	
)	<u>MOTION TO AMEND JUDGMENT</u>
BRETT SHANNON JOHNSON)	
)	

The United States, by its undersigned attorneys, hereby moves the Court for an amended Order of Judgment and Conviction (J&C) in the above referenced case to reflect information learned by the government after the J&C and its incorporated Order for Restitution was entered. In connection with the entry of the J&C, the Court ordered the defendant to pay restitution in the total amount of \$346,451.62 to the Internal Revenue Service and to eight named victims of the defendant's fraud schemes. Subsequent to entry of the Order of Restitution, the government learned from the case agents with the United States Secret Service that some of the items obtained by the defendant through his fraud scheme may have been recovered by an officer with the Charleston Police Department during his investigation of the matters that were the subject of Counts 28 through 36 of the Indictment. The government further learned that these recovered items may have been returned to their rightful owners. In order to confirm whether this occurred, the government contacted the Charleston police officer who confirmed that some of the victims had received property back. The government then attempted to contact each of the victims of the crimes set forth in Counts 28 through 36 to determine whether they had received the return of any of their property. The government obtained information regarding the following:

Alessandro Cesaria – received the return of the Rolex Watch that the defendant obtained from him through the fraud scheme. Restitution attributable to this watch was ordered in the amount of \$6,531.49. This restitution should therefore be reduced to \$0.

Allen Sullivan – received the return of some, but not all, of the coins that the defendant obtained from him through the fraud scheme. Sullivan advised that the value of the coins that were returned is \$2,170. Restitution attributable to the coins was ordered in the amount of \$7,070. To account for the value of the items returned, this figure should be reduced to \$4,900.

Hanna Gurovich – received the return of the Patek Phillippe watch that the defendant obtained from her through the fraud scheme. Restitution attributable to this watch was ordered in the amount of \$5,670. This restitution should therefore be reduced to \$0.

Based on the information set forth above, the government hereby moves the Court to enter an amended J&C reflecting the above described changes. Except as specified above, the government does not have any information as to any of the other victims, and their restitution amounts should remain the same.

W. WALTER WILKINS
UNITED STATES ATTORNEY

BY: s/ Dean A. Eichelberger
Assistant U. S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that I am an employee in the Office of the United States Attorney for the District of South Carolina, and on March 6, 2009, I caused to be served one true and correct copy of the MOTION TO AMEND JUDGMENT in the above-captioned case via the court's e-noticing system, but if that means failed, then by regular mail, on the following person(s):

James P. Rogers
Assistant Federal Public Defender
1901 Assembly Street, Suite 200
Columbia, South Carolina 29201

s/Dean A. Eichelberger
Assistant United States Attorney